

SCADDING

THE 8TH  
KING'S REGIMENT  
CAPT. McNEALE  
1894

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# THE 8<sup>TH</sup> KING'S REGIMENT;

## A CURIOSITY IN ITS ANNALS.

THE REMAINS OF A NON-COMMISSIONED OFFICER IN THIS REGIMENT, KILLED AT THE TAKING OF YORK (TORONTO) IN 1813, ARE ACCIDENTALLY DISCOVERED AT TORONTO IN 1894, AND ARE HONORABLY CARED FOR BY THE OFFICERS AND MEN OF THE SAME REGIMENT, AT HALIFAX, NOVA SCOTIA, AFTER A COMPLETE OVERSIGHT, DULY EXPLAINED, OF MORE THAN EIGHTY YEARS.

BY THE

REV. DR. SCADDING,

*Author of "Toronto of Old,"*

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## THE 8TH KING'S REGIMENT;

A CURIOSITY IN ITS ANNALS.

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It is now more than twenty years since I prepared an account of the taking of York by the Americans in 1813 for the pages of my "Toronto of Old, Collections and Recollections Illustrative of the Early Settlement and Social Life of the Capital of Ontario," where the narrative may be seen in its proper place; but as many persons at the present time are not acquainted with that work, or may not be able to gain ready access to it, I have here given a brief abstract of the account referred to, with certain annotations appended, having for their object the maintenance of public confidence in the general trustworthiness and accuracy of my book.

An accidental discovery of some human remains was lately made on the south side of a shallow ravine or hollow caused by the course of a small obscure stream, known formerly at its mouth where it entered the Bay, not a very great way off, as "Goodman's Creek," from a fisherman who lived near by. The said discovery in this obscure place in the east part of Toronto has given sudden rise to a discussion which has somewhat called in question that portion of my narrative which described the interment, or rather re-interment, in the year 1829, of the body of an officer killed at the taking of York in 1813.

This re-interment was solemnly performed by the local military authorities of the day; and now it is asserted that a great blunder was then unconsciously committed. It is held that the remains lately discovered were in reality those of this officer, whilst the body then re-interred was that of some unknown person.

General Sheaffe, in his dispatch to Sir George Prevost (see Auchinleck's History of the War of 1812-13, p. 154), gives the killed as follows: one captain, one sergeant-major, four sergeants, one drummer, fifty-two rank and file, and three gunners.

The one captain here reported as killed, is allowed on all hands, to have been the captain of the 8th Regiment, supposed to be interred by



military authorities in 1829. That the human remains found in the ravine near Berkeley street were those of a soldier of the 8th Regiment is quite certain from the number of that regiment plainly to be seen on numerous buttons found with the remains, but that he was a commissioned officer of that regiment is *not* certain.

There was, as we see from General Sheaffe's report, a sergeant-major killed, and in the case of a non-commissioned officer of that rank the material of the dress would certainly be superior to that of an ordinary private soldier, as also would be the make of the buttons and the weapon carried.

This is said because some minute fragments of the dress, which survived, were supposed to be of a quality worn only by commissioned officers, and among the bones were fragments of a sword-blade; while the buttons found were by no means those of a common soldier. It was, therefore, thought impossible that these remains could have been those of the sergeant-major, who was known to have been killed, but must be those of the one only commissioned officer slain, viz., Capt. McNeale.\* Let us, however, for one moment allow that these were the remains of that officer. Then, to be consistent, we are to imagine that General Sheaffe, while on his hasty retreat down the Kingston Road, after hurriedly hiding away the body of the captain in this convenient ravine close to the road, failed, on his arrival at Kingston, or even before, to send back word to York by letter or messenger, to the friends of Capt. McNeale, describing the exact spot where the body was deposited, in order that due attention might be paid to it when peace was restored.

Dr. Hackett is spoken of as the surgeon of the 8th Regiment, and he, we gather, accompanied the survivors of the Grenadiers of the 8th in their retreat down the Kingston Road, but returned to York very soon after.

We learn these particulars from the interesting journal of Mrs. Breakenridge, to be seen at page 434 in "Toronto of Old," where she also describes the pleasure of the poor, wounded fellows when told that their own surgeon was returning, whose place, she says, had been temporarily taken out of sheer feelings of humanity, by Dr. W. W. Baldwin, a non-practising physician of the place. Dr. Hackett, if no one else, would assuredly have been ordered by General Sheaffe to point out the whereabouts of the slain captain's remains. Nothing of the kind, however, was done by the General, and eighty years were to elapse before the important disclosure should take place. This, of course, is incredible in the case of

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\*In "Toronto of Old," I employed the orthography "McNeil," because the name so appeared in the public account given of the re-interment in 1829. I now adopt the form "McNeale," as that appears to be in reality the correct mode. Gen. Sheaffe spells the name McNeal.



such a character as Capt. McNeale, who had been the observed of all observers at York immediately on his arrival there, as we learn from the journal just referred to. In the case of the Sergeant-major, on the other hand, it is not incredible ; his fate, however noble, would, of necessity, not excite the same personal interest among the inhabitants of York as did that of Capt. McNeale, and hence the body hurriedly thrust away under the bushes in the obscure ravine, remained uncared for and became quite forgotten until accidentally unearthed in the year 1894.

According to the testimony of those who saw the remains when first uncovered, it would appear that the body had been deposited in its hiding place in a hap-hazard manner, indicative of hasty action, in a bent posture and with the face downwards. Persons possessed of a more perfect vision than my own declared that the dead soldier had undergone an amputation of the arm, the principal bone showing the action of the surgeon's saw, and I myself, at the request of the bystanders, felt with my finger the end of this bone, which was smooth, as if it had been divided by a fine saw, and not fractured or splintered.

The theory immediately presented itself that the unfortunate man was being charitably conveyed along by his comrades in their flight down the Kingston Road, when it was discovered that life had departed and that it would be of no avail to bear their burden any farther ; it was accordingly taken aside and hidden away in the damp, swampy ground where it was found.

The small, narrow slats, portions of which were found under the bones, along with some rude nails, were fragments, it is likely, of the extemporized litter on which he was being carried.

Experts who afterwards examined and arranged the bones, judged that they were those of a person over six feet in height, in the vigor of manhood, with the teeth remarkably sound, all of them points not unlikely to distinguish a Sergeant-major in the Grenadier company of the King's 8th Regiment.

The whole story is an amusing modern instance which might be quoted to show how easily and how speedily plain facts in history may occasionally be transformed, or even reversed, without any intention whatever of deception. (It were to be wished that the name of this gallant Sergeant-major, as well as the names of the four Sergeants who fell with him, could be recovered, in order that proper respect might be shown to them, at Halifax, or elsewhere. They might possibly yet be found in some old orderly book or roll call, still extant among the papers of the regiment.)

I have now to narrate the fortunes that befell the real remains of the

veritable Capt. McNeale, as attested by remembered facts and authentic records. It will be necessary first to transport ourselves to the Garrison Common, situated some three miles to the west of Berkeley street, where the human remains which have given rise to this discussion were exhumed.

The Garrison Common was a fine, spacious piece of ground, cleared of trees, extending all the way from the western gate of the old garrison almost to the shore of the Humber Bay. On the left all along was the cliff overhanging the lake, with a well-worn, irregular pathway running near its edge; and, on the right, down to quite a late period, were woods of a greater or less density or altitude, a survival of the vast forest that had once covered the whole district. The clearance had been made when the trading-post of Fort Rouillé, afterwards better known as Fort Toronto, was established, so as to guard that stockade from any sudden surprise from the Indians. (Major Rogers, who was sent up to take possession of the post after its evacuation by the French, in 1760, states that a clearing of about 200 acres had been made round the fort.) Every square rood of the Garrison Common was well known to the inhabitants of York, especially to the younger portion of them, and the spot was well frequented by them, on the occasion of militia training, and grand military reviews. On this common had taken place the ever memorable contest between the American invaders and the defenders of the town, in the year 1813.

The landing-place of the invaders, far to the west, used on these occasions to be eyed with ever fresh interest; the hummocks and diggings marking the site of the old French trading-post were scanned again and again, where it had been the intention of the American commander at first to disembark, when he was prevented from so doing by the prevalence of a strong easterly gale.

Along by the cliff, eastward of this, the principal collision between the American force advancing towards the town, and the British regulars opposing their progress, seems to have taken place; this would be somewhere near the part of the bank or cliff where are now seen the white cut-stone barracks. The powder magazine, which at a later period in the engagement exploded with such disastrous effects to both parties, was situated still further to the eastward, below the bank, close to the western gate of the old garrison.

In the vicinity of the modern cut-stone barracks, and elsewhere over the whole common, there used frequently to be picked up and preserved as relics, fragments of weapons, military buttons and buckles, small pieces of human bone, flattened bullets, and even occasionally a cannon ball.

Here, on the cliff, seen of all and well known to every passer by, was the grave of the unfortunate officer so unhappily killed at the taking of

York ; this was Capt. McNeale, of the King's 8th, who, with his Grenadiers, appears to have pushed on through the woods on the north side of the Common, with a view to reaching, without molestation from the enemies' ships, the point where the Americans were about to land ; but becoming embarrassed in some way, he arrived at that point somewhat too late. The enemy had landed, and all he could do was to attack them in the rear, and, if possible, rejoin Gen. Sheaffe, who had already been repulsed, and was now in full retreat towards the old garrison and the town.

An engagement immediately took place, and the unfortunate Grenadiers were overwhelmed by superior numbers, and suffered most severely ; when the engagement was over we have reason to know that the remains of Capt. McNeale, who then fell, were taken charge of by the American authorities, and committed to the ground ; this we learn from the statement given on the best authority in the *Loyalist* newspaper, which we shall quote more at length presently. On that occasion, of course, the customary volleys over a dead officer's remains had not been fired. The deficiency was now to be supplied.

The remains of the captain, the *Loyalist* expressly sets forth, were "consigned to earth by the hands of the enemy." The same humane courtesy that caused minute guns to be fired from the American fort in the preceding year, while the sad obsequies of the slain Gen. Brock were being performed in the bastion of Fort George, would, without doubt, induce Gen. Dearborn and Commodore Chauncey to regard with respect the dead body of the gallant officer who had fallen in the defence of the place, and would mark his grave in some effective way. It would probably be by means of a bold stake or rude headboard, at all events the grave was well known, as is seen by the fact that when the encroachment of the waters of the lake threatened the safety of the contents of the said grave, the military commandant at the post, Major Winniett, immediately took steps for their protection and preservation. The whole of the article in the *Loyalist* newspaper of May 9th, 1829, to which so many references have been made, reads as follows :—

#### "THE LATE CAPT. MCNEIL.

"It will be recollected by many of the inhabitants of York that this officer fell while gallantly fighting at the head of his company of Grenadiers of the 8th Regiment, in defence of the place, on the morning of the 27th of April, 1813. His remains, which so eminently deserved rites of honourable sepulture, were, from unavoidable circumstances, consigned to earth by the hands of the enemy whom he was opposing near the spot

where he fell, without any of those marks of distinction which are paid to departed valor."

"The waters of the lake," the *Loyalist* then proceeds to say, "having lately made great inroads upon the bank, and the grave being in danger of being washed away, it may be satisfactory to his friends to learn that on these circumstances being made known to Major Winniett, commanding the 68th Regiment at this post, he promptly authorized the necessary measures to be taken for removing the remains of Capt. McNeil and placing them in the garrison burial ground, which was done this day. A firing-party and the band attended on the occasion, and the remains were followed to the place of interment by the officers of the garrison, and a procession of the inhabitants of the town and vicinity."

When we take into consideration the high class character of the *Loyalist* newspaper, and realize the circumstance that its editor and proprietor, Mr. Robert Stanton, had been, both in 1813 and in 1829, an actor in the scenes described or alluded to, is it possible that any reasonable man can say that the extract just given is not an authentic and reliable record? As to Major Winniett himself, I perfectly remember his appearance; I am sure it was not that of a man likely to be taken in or carried away by plausible talk. He would thoroughly investigate the facts before acting on the representations made to him by the inhabitants of York, in regard to the imperilled grave of Capt. McNeale. Shortly after, when tranquility was restored, friends would surround this with a paling, as was actually done, to my certain knowledge, in the case of an Indian chief or brave named "Yellowhead," who also fell at the taking of York; this solitary railing round an Indian grave was a conspicuous object to all travellers northward on Yonge street, in an ancient Indian burying-ground near the spot now known as Clover Hill. (For full particulars, see "Toronto of Old," p. 399.)

"Major Winniett and the 68th" sound to me, at this moment, like very familiar household words; I remember well where the Major lived, in a long, one-storey house on Queen street, just to the north of where St. Andrew's Market now stands. The building had a broad verandah in front, and it was often spoken of as Major Winniett's "Bungalow." When the Major and the 68th were here, I was a boy in attendance at the old District Grammar School and was daily mixed up with the sons or other junior relatives of many who had been present at the "capture" of York—with the sons of Colonel Givins for example, the sons of Dr. Strachan, Rector of York in 1813, the Fitzgibbon boys, the two Fullers (Thomas and William), Allan and James Macdonell, William and St. George Baldwin, and others; and I distinctly remember when Major Winniett's



proposed removal of the killed officer's remains from the edge of the cliff to the military burying grounds was excitedly talked of amongst us, and had there been the slightest inkling of a suspicion on the part of any of us or of any friends or relatives at home, as to their genuineness, I should certainly have heard of it, and should certainly at this moment vividly recall it, verging so closely on the ludicrous as the thing would have been, if the suspicion had proved true, but there was no misgiving of this kind suggested from any quarter, and accordingly we may be quite sure that "the inhabitants of the town and vicinity," who, as the *Loyalist* newspaper of the time tells us, followed in procession after Major Winniett's firing party, did so with the feeling that they were simply performing a serious duty in honor of a gallant officer whom they had all seen and known.

In that procession would be walking Mr. Robert Stanton, afterwards King's Printer and then editor of the *Loyalist* newspaper, who, on going back to town, on the very same day penned the article in his paper now before me, which speaks of the proceedings there narrated as taking place on "that day," viz., May 9th, 1829.

Mr. Stanton's name appears in the list of those who were to be nominally held as prisoners of war by General Dearborn and Commodore Chauncey after the taking of York (April 27th, 1813); the same list comprised the names of many others who would probably make a point of attending Capt. McNeale's obsequies on the Garrison Common. A lapse of sixteen years had produced very little change in the mental and bodily activity of Lieut.-Col. Chewett, for example; or Major Allen; or of Captains Duncan Cameron, John Robinson (afterwards Attorney-General and Chief Justice), Samuel Ridout, William Jarvis (the future sheriff); or of Lieutenants George Ridout, Edward McMahon, Eli Playter, Robert Stanton (it is here that his name occurs); or of Ensigns Andrew Mercer, James Chewett, Chas. Denison, Geo. Denison or D'Arcy Boulton. I have omitted a few names of persons not so well remembered, but all those who have been given, were to my certain knowledge and recollection living and moving conspicuously in and about York in the year 1829, and would be very likely, as I conceive, to make their way to the Garrison Common to witness and take part in the interesting ceremonies which were to take place, and which without doubt did take place there, on the 9th of May, 1829.

All parties may therefore with a full confidence continue in the belief which was undisturbed down to the year 1894, that the remains of Capt. McNeale, of the 8th, at this moment rest in peace in the ancient military burying ground of York (i.e., Toronto).

It is to be regretted that when a portion of that burying ground was transformed into a public ornamental park for the use of the citizens, a number of the memorial objects therein contained were thoughtlessly destroyed or sodded over, and in this way whatever token of remembrance Major Winniett may have caused to be set up, has been unfortunately lost to view.

On the interior walls of the adjoining church, St. John the Evangelist, Toronto, there are already to be seen several military memorials in the form of a suitably inscribed brass plate. Another, in memory of Capt. McNeale, whose remains must be resting at a distance not many yards off, would be a very proper addition.













